

MARK NOWELL  
FLAME SPRAY NORTH AMERICA vs KERR PUMPS

June 10, 2021

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

FLAME SPRAY NORTH AMERICA, INC.  
Plaintiff,

vs.

CA: 8:18-CV-02845-BHH

KERR PUMPS, INC.,  
Defendants.

DEPOSITION OF MARK NOWELL  
TAKEN ON BEHALF OF THE PLAINTIFF  
ON JUNE 10, 2021, BEGINNING AT 9:04 A.M. CST  
IN ADA, OKLAHOMA

APPEARANCES:

Appearing via Zoom on behalf of the PLAINTIFF:

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EXHIBIT 2

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1     them out, is that fair?

2           A     Yeah, he can create purchase orders, yes.

3           Q     Okay. Explain what Kerr's relationship  
4     with FlowValve.

5           A     FlowValve is another product line within  
6     --

7           Q     Is that a company that you and your wife  
8     own?

9           A     Yes.

10          Q     And is it located within the same building  
11     as Kerr?

12          A     Part of it's in Sulphur and part of it's  
13     in another town called Marietta, Oklahoma.

14          Q     What kind of products does it sell,  
15     FlowValve?

16          A     We call that product line kind of the  
17     FlowLine products and Stilwell Service type  
18     products, valves, swivels, elbows, T's, pup joints.

19          Q     And does that include clappers or  
20     flappers?

21          A     Flapper is a piece of a, what we would  
22     call a check valve, one of the valves we make, so  
23     the flapper is an internal piece of a check valve.

24          Q     And is that a product used in the fracking  
25     industry?

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1 A Yes, it is, it's kind of a one-way valve,  
2 so the flow can't come the other way, it checks the  
3 flow.

4 Q And are flappers coated, similarly to like  
5 what plungers are coated with?

6 A Some of them are, we did some -- we did  
7 some spray coating on the flapper seats, yes, or the  
8 flapper themselves.

9 Q And do you know if flow valve ever had any  
10 issues with the flappers that Flame Spray coated for  
11 it?

12 A No, I don't -- I don't think there was any  
13 issues on those.

14 Q Was there any difference in the way those  
15 were coated than the way the plungers were?

16 A I have no idea how they do that, it's a  
17 totally different part. The plunger kind of moves  
18 back and forth, it's a cylinder that moves back and  
19 forth. The flapper stays open most of the time and  
20 then it just shuts, comes down and flaps shut, so  
21 it's -- the duty cycle and how it's used is totally  
22 different, it's not even close to what a plunger  
23 would see.

24 Q Do you know if any of the flappers that  
25 Flame Spray made and coated were any of those sold

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1 to Gore, AST or UPP?

2 A They sure could have been, because that's  
3 a product we offer, so I would say some of them  
4 probably got them if they bought check valves from  
5 us.

6 Q It's my understanding that after Kerr's  
7 stopped doing business with Flame Spray with regard  
8 to the plungers, that FlowValve continued to do  
9 business with Flame Spray with regard to the  
10 flappers?

11 A Yeah, we have --

12 Q Is that the case?

13 A We had open purchase orders and we  
14 fulfilled those and I think now it's -- it turned  
15 out that the coating turned out to be insignificant.  
16 We don't even coat the flappers now because they  
17 stay out of the wear zone, so the coating didn't add  
18 any value, so now our flappers don't even have any  
19 type of coating on them and -- but we continued to  
20 use them after Flame Spray, because we had opened  
21 POs and we like to fulfill that.

22 Q And did you pay Flame Spray for all the  
23 POs with regard to the flappers?

24 A Yes, that's our standard practice.

25 Q So in general, why would FlowValve have